

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CAMERON CHRISP,)	8:14CV344
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
LANCASTER COUNTY JAIL, and)	
SAUNDERS COUNTY JAIL,)	
)	
Defendants.)	

This matter is before the court on Plaintiff's request for the appointment counsel (Filing No. [25](#)) and motions seeking leave to sever some of his claims into a separate action. (Filing Nos. [17](#), [24](#), and [25](#).)

A. Motion to Appoint Counsel

Plaintiff seeks the appointment of counsel. The court cannot routinely appoint counsel in civil cases. In [Davis v. Scott, 94 F.3d 444, 447 \(8th Cir. 1996\)](#), the Eighth Circuit Court of Appeals explained that "[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel. The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel[.]" *Id.* (internal citation and quotation marks omitted). No such benefit is apparent here at this time. Thus, the request for the appointment of counsel will be denied without prejudice to reassertion.

B. Motion to Sever Claims and Name Additional Defendants

Plaintiff named the Lancaster County Jail and Saunders County Jail as Defendants in this action. He asks the court to sever his claims against Defendants into two separate actions. He also seeks leave to name Lancaster County, Nebraska,

as a defendant in this matter, and leave to name Saunders County, Nebraska, as a defendant in the separate case.

The court will grant Plaintiff's request to sever claims as set forth below. In addition, the court will grant Plaintiff's requests to name Lancaster County, Nebraska, as a defendant in this action, and name Saunders County, Nebraska, in the severed action.

IT IS THEREFORE ORDERED that:

1. Plaintiff's request for the appointment of counsel (Filing No. [25](#)) is denied without prejudice.
2. Plaintiff's requests to sever claims (Filing No. [17](#) and Filing No. [24](#)) are granted only to the extent set forth below.
3. Plaintiff's requests to name additional defendants is granted.
4. Plaintiff's claims against the Saunders County Jail and Saunders County, Nebraska, are severed into a new case. That new case shall be captioned: CAMERON CHRISP, Plaintiff, vs. SAUNDERS COUNTY JAIL, AND SAUNDERS COUNTY, NEBRASKA, Defendants. The new severed case shall be assigned to the undersigned judge for further proceedings. The clerk of the court is directed to file the following documents in the new case:
 - this order;
 - the original Complaint (Filing No. [1](#));
 - Plaintiff's Motion for Leave to Proceed in Forma Pauperis (Filing No. [8](#)), which should be pending at the time the case is opened; and
 - any other notices and general orders that are filed in pro se cases as a matter of course (e.g., the "NOTICE by Clerk acknowledging receipt of complaint by a pro se party").

5. The clerk's office is directed to terminate Saunders County Jail as a defendant in this action and add Lancaster County, Nebraska, as a defendant in this action in accordance with this Memorandum and Order.

DATED this 4th day of March, 2015.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge

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